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SENATE BILL 219

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING THE MOTOR DISPLACEMENT
SIZE ALLOWED FOR THE ISSUANCE OF RESTRICTED MOTORCYCLE LICENSES
TO CERTAIN PERSONS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME
SECTION OF LAW IN LAWS 2005.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-5 NMSA 1978 (being Laws 1978,
Chapter 35, Section 227, as amended by Laws 2005, Chapter 241,
Section 1 and by Laws 2005, Chapter 269, Section 1) is amended
to read:

"66-5-5. PERSONS NOT TO BE LICENSED.--The division shall
not issue a driver's license under the Motor Vehicle Code to
any person:

A. who is under the age of eighteen years, except
the division may, in its discretion, issue:

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1 (1) an instruction permit to a person fifteen
2 years of age or over who is enrolled in and attending or has
3 completed a driver education course that includes a DWI
4 education and prevention component approved by the bureau or
5 offered by a public school;

6 (2) a provisional license to any person
7 fifteen years and six months of age or older:

8 (a) who has completed a driver education
9 course approved by the bureau or offered by a public school
10 that includes a DWI education and prevention component and has
11 had an instruction permit for at least six months; and

12 (b) who has successfully completed a
13 practice driving component;

14 (3) a driver's license to any person sixteen
15 years and six months of age or older:

16 (a) who has had a provisional license
17 for the twelve-month period immediately preceding the date of
18 the application for the driver's license;

19 (b) who has complied with restrictions
20 on that license;

21 (c) who has not been convicted of a
22 traffic violation that was committed during the ninety days
23 prior to applying for a driver's license; and

24 (d) who has not been adjudicated for an
25 offense involving the use of alcohol or drugs during that

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1 period and who has no pending adjudications alleging an offense
2 involving the use of alcohol or drugs at the time of
3 application; and

4 (4) to any person thirteen years of age or
5 older who passes an examination prescribed by the division, a
6 license restricted to the operation of a motorcycle, provided:

7 (a) the motorcycle is not in excess of
8 one hundred twenty-five cubic centimeters displacement;

9 (b) no holder of an initial license may
10 carry any other passenger while driving a motorcycle; and

11 (c) the director approves and certifies
12 motorcycles as not in excess of one hundred twenty-five cubic
13 centimeters displacement and by rule provides for a method of
14 identification of such motorcycles by all law enforcement
15 officers;

16 B. whose license or driving privilege has been
17 suspended or denied, during the period of suspension or denial,
18 or to any person whose license has been revoked, except as
19 provided in Section 66-5-32 NMSA 1978 and the Ignition
20 Interlock Licensing Act;

21 C. who is an habitual user of narcotic drugs or
22 alcohol or an habitual user of any drug to a degree that
23 renders the person incapable of safely driving a motor vehicle;

24 D. who is four or more times convicted of driving a
25 motor vehicle while under the influence of intoxicating liquor

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1 or narcotic drug regardless of whether the convictions are
2 under the laws or ordinances of this state or any municipality
3 or county of this state or under the laws or ordinances of any
4 other state, the District of Columbia or any governmental
5 subdivision thereof, except as provided in the Ignition
6 Interlock Licensing Act. Five years from the date of the
7 fourth conviction and every five years thereafter, the person
8 may apply to any district court of this state for restoration
9 of the license, and the court, upon good cause being shown, may
10 order restoration of the license applied for; provided that the
11 person has not been subsequently convicted of driving a motor
12 vehicle while under the influence of intoxicating liquor or
13 drugs. Upon issuance of the order of restoration, a certified
14 copy shall immediately be forwarded to the division, and if the
15 person is otherwise qualified for the license applied for, the
16 four previous convictions shall not prohibit issuance of the
17 license;

18 E. who has previously been afflicted with or who is
19 suffering from any mental disability or disease that would
20 render ~~[him]~~ the person unable to drive a motor vehicle with
21 safety upon the highways and who has not, at the time of
22 application, been restored to health;

23 F. who is required by the Motor Vehicle Code to
24 take an examination, unless the person has successfully passed
25 the examination;

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G. who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited the proof;

H. when the director has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare; or

I. as a motorcycle driver who is less than eighteen years of age and who has not presented a certificate or other evidence of having successfully completed a motorcycle driver education program licensed or offered in conformance with rules of the bureau."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007.